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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,515	06/20/2001	Monty Gatehouse	9354.00	3359

7590 08/13/2004

Michael Chan
Intellectual Property Section
Law Department, NCR Corporation
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Dayton, OH 45479-0001

EXAMINER

BOOKER, KELVIN E

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,515

Applicant(s)

GATEHOUSE ET AL.

Examiner

Kelvin E Booker

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☒ Claim(s) 19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Office Action</u> . |

DETAILED ACTION

Response to Amendment

1. In the Amendment filed April 23, 2004, the following changes were initiated:
 - a. new drawings have been submitted for review;
 - b. the specification has been amended to correct grammatical and typographical errors;
 - c. **claims 2 and 5-8** have been canceled;
 - d. **claims 1, 3, 4, 9-12** have been amended; and
 - e. **claims 13-19** have been added.

Claims 1, 3, 4 and 9-19 have been submitted for further consideration.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-12** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3, 4 and 9-14** are rejected under 35 U.S.C. 102(b) as being anticipated by Fintel et al., U.S. Patent No. 6,091,893 [hereafter Fintel].

As per claim 1, Fintel teaches of a computer implemented visual modeling tool comprising:

A. a user interface including a display for displaying information from the visual modeling tool and interacting with the visual modeling tool (see figures 4 and 7, all elements: elements of the visual modeling tool and user interface displaying the interactive tool);

B. the visual modeling tool operating to interactively and gradually display successive decision levels of a visual multi-level decision tree, each decision level including at least one visual object, each visual object being linked to at least one other visual object to form a multi-level decision tree, and for decision levels with more than one visual object selection of one visual object represents a choice between the visual objects (see figure 199, all elements: interactively operating the modeling tool using a visual decision tree to navigate through levels for functional progression);

C. the visual modeling tool generating at least one browser button at a decision level with more than one visual object for providing information concerning choosing between said more than one visual object (see figure 199, all elements); and

D. the user interface operating to control the display so that as a user selects visual objects, the display displays only visual objects which depend from visual objects which have been selected (see figures 196 and 199, all elements: navigating through the functional visual tree which displays user selected branch operations).

As per claim 3, Fintel teaches of a visual modeling tool wherein once the final visual object set-in the visual multi-level decision tree model is selected, consequences of that choice are presented to the user (see figures 196 and 199, all elements: navigating through the functional visual tree which displays user selected branch operations).

As per claim 4, Fintel teaches of a computer implemented visual modeling method for interactively displaying in succession decision levels of a visual multi-level decision trees the visual modeling method comprising:

A. displaying a decision level of the visual multi-level decision tree model, the decision level including at least one visual object, each visual object being linked to at least one other visual object to form a multi-level decision trees and decision levels with more than one visual object representing a choice between the visual objects (see figures 196 and 199, all elements: navigating through the functional visual tree which displays user selected branch operations);

B. generating a plurality of browser buttons at each decision level for providing information concerning a choice of a visual object (see figures 8 and 11, all elements: functional selections available in the decision processing tree);

C. responding to a selection of a browser button by displaying information concerning a choice of a visual object (see figures 8 and 11: selection of one branch (e.g., element 804 of functional branch set 802) provides the functionality of selection (e.g., function set 806));

D. responding to a selection of a visual object by causing a current decision level to advance to a next decision level for non-final visual objects (see figures 8 and 11:

selection of one branch (e.g., element 804 of functional branch set 802) provides the functionality of selection (e.g., function set 806)); and

E. continuing with the steps of displaying a decision level generating a plurality of browser buttons, responding to a selection of a browser button, responding to a selection of a visual objects until a final visual object is selected whereby a plurality of visual objects, each of the visual objects directly depend from visual objects which have been selected by a user, form a visual multi-level decision tree model that is displayed level by level in succession based on user decisions (see figures 8 and 11: selection of one branch (e.g., element 804 of functional branch set 802) provides the functionality of selection (e.g., function set 806)).

As per claim 9, Fintel teaches of a visual modeling method wherein once the final visual object in the tree is selected, consequences of that choice are presented to the user (see figure 199, all elements: displaying results of the function selection).

As per claim 10-12, Fintel teaches of a visual modeling method wherein the consequences include cost implications, workload implications and risk analysis of the choice (see figures 90 and 96, all elements: resultant of branch selections which facilitate the modeling of cost, workload and risk considerations).

As per claim 13, Fintel teaches of a visual modeling tool further comprising:

A. a processing apparatus for running the visual modeling tool (see figure 202, all elements; and column 47 lines 20-54: system used in storing and executing the modeling tool); and

B. the processing apparatus further running an internet connection program and an internet browser program available for use by the visual modeling tool running on the processor (see column 47 lines 20-54: system used in storing and executing the modeling tool).

As per claim 14, Fintel teaches of a visual modeling tool wherein the visual objects are decision statements that represent choices to be made by a user (see figures 196 and 199, all elements: navigating through the functional visual tree which displays user selected branch operations).

Allowable Subject Matter

5. **Claim 19** is allowed.

6. **Claims 15-18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

the cited prior art fails to explicitly teach of an interactive visual modeling tool which allows visual operation respective of a decision tree model by allowing the user to selectively step through decision branches of the model, wherein the user has the option of browsing through considerations, questions and answers based on the browser button selected, as an aid in making a choice respective of a visual object.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- A. Lau, U.S. Patent No. 5,987,247;
- B. McIlroy et al., U.S. Patent No. 5,583,758;
- C. Saucedo et al., U.S. Patent No. 5,754,738;
- D. McIlroy et al., U.S. Patent No. 5,953,704;
- E. Lobley et al., U.S. Patent No. 6,151,565;
- F. O'Flaherty et al., U.S. Patent No. 6,631,361;

G. Mani et al., U.S. Patent No. 6,677,963;

H. Iizawa et al., U.S. Patent No. 5,495,567;

I. McDonald et al., U.S. Patent No. 5,822,587;

J. Cochran, U.S. Patent No. 5,995,979;

K. Cochran, U.S. Patent No. 5,768,581;

L. Kisiel, U.S. Patent No. 6,327,586;

M. Kisiel, U.S. Patent Application Publication No. 2002/0065856;

N. Zygmunt et al., U.S. Patent Application Publication No. 2002/0019971;

O. Glebov et al., U.S. Patent No. 6,343,265; and

B. Birsan et al., U.S. Patent No. 6,023,578.

10. An inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Booker whose telephone number is (703) 308-4088. The examiner can normally be reached on Monday-Friday from 7:00 AM-5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 308-3179. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Art Unit: 2121

K.E.B.

Art Unit 2121

August 4, 2004

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 8/7/04
For Anthony Knight